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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,520	05/31/2000	Claude M. Leglise	ITL.0391US (P8805)	1973
21906 7590 12/31/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER RETTA, YEHDEGA	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/584,520	Applicant(s) LEGLISE ET AL.	
	Examiner Yehdega Retta	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action in response to amendment filed October 1, 2007. Claims 66-85 are currently pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 66-85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 66 recites “each graphical user interface to include content related to the products or services of a particular retail vendor, the content customized, at least in part, based on said information and not to include advertising for another retail vendor”. The specification does not teach each graphic user interface to include content related to the products or services of a particular retail vendor and not to include advertising for another retail vendor. According to the claim each or every interface displays content only related to a particular retail vendor.

Applicant's specification (page 4) discloses the service provider may provide a series of graphical user interface which include content related to the retail vendor such as advertisements and in addition obtains information from the consumer to further customize the options made available to the consumer. The specification teaches by simplifying each graphical user interface

to a limited number of selections, the ease of the use of the interface may be greatly facilitated.

The specification also teaches that the consumer receives simple-to-use Internet services and access to customized information related to the retail vendor. On page 6 the specification teaches in one embodiment of the present invention, the service provider controls the information displayed on the client system 12 and provides Internet and e-mail services as well. The Examiner's understanding is that when the user accesses the Internet different advertisement will be displayed.

Claims 71 and 81 are also rejected for the same reason stated above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 71 recites the limitation "in response to the selection of an indicator on a sign-in graphical user interface". There is insufficient antecedent basis for this limitation in the claim. The claim does not recite a sign-in graphical user interface nor does it recite selection of any indicator.

Claims 71-85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 71 recites said activity graphical user interface without content from other, unrelated retail vendor. It is unclear if applicant intend to claim that the interface not to include content from others. Clarification is required.

The claim also recites “said selection graphical user interface other than said activity graphical user interface and said sign-in graphical user interfaces”. It is unclear what applicant is claiming.

Claim 81 recites computer instructions when *executed cause a machine to receive a user identifier from a service provider*. According to the claim the instruction causes the user machine to *receive a use identifier from the service provider*; to receive a plurality of graphical user interface and in response to each selection made by the user to modify the customized content on the graphical user interface. According to the claim the customization is done by user computer. However, according to applicant’s specification the *service provider receives the user identifier and also modifies the customized graphical user interface*. Correction is respectively requested.

Since applicant is claiming the user computer to just receive information, it does not matter if the service is provided by service provider or vendor and it also does not matter whether the content is customized for one vendor or another. It does not change the receiving step of the device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 66-70 and 81-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over BISYS® Enables Financial Institutions to Bring Direct Internet Access Services to Their

Customers; January 10, 2000; PRNewswire (hereinafter BISYS) in view of Rangan (US 6412,073).

Regarding claims 66, 69 and 81, 82, BISYS teaches receiving a plurality of graphical user interfaces from said service provider (FirstLinq), each graphical user interface to include content related to the products or services of a particular retail vendor (financial service organizations), the content customized, at least in part, based on said information and not to include advertising for another retail vendor (FirstLinq allowing bank consumers to review and select any of a banks' product or service offerings); and preventing the identified customer from using Internet services through said service provider without the customer first viewing, in sequence, at least three graphical user interfaces from said plurality (ability to automatically deliver consumers to an bank's web page or portal every time they go online). BISYS does not explicitly teach providing customer identification together with information about the identified customer's preferences to a service provider and receiving customized content. According to applicant specification the three graphical user interface the user see before accessing the Internet includes the log-in or sign-in interface for selecting screen name (as disclosed in fig.2), which is inherent feature of traditional Internet access service provided by traditional ISP. Customizing the next interface with the user's preference is also inherent feature. Internet Service providers, such as AOL have been doing this for years. Rangan teaches many companies offering various subscription services accessible via the Internet, for example, many people now do their banking, stock trading, shopping, and so forth from the comfort of their own homes via Internet access (see abstract, col. 4 lines 43-52). Rangan teaches typically, a user, through subscription, has access to personalized and secure WEB pages for such functions. Therefore, It

would have been obvious to one of ordinary skill in the art at the time of the invention for Internet service provider of BISYS to provide customized content based on user's identification and preference for the intended purpose of providing personalized page to simply user access to the Internet, as taught in Rangan (see fig. 3, col. 5 line 63 to col. 6 line 27). Rangan also teaches a log-on interface before user accessing the Internet also modifying the interface based on the selection made in the prior interface, (see fig. 2 and abstract, col. 9 lines 18-50). It would have been obvious to one of ordinary skill in the art at the time of the invention for BISYS's service provider to provide a log-on and password page, as in Rangan, so the users could securely access the Internet.

Regarding claims 67-68, 84 and 85, Rangan teaches tracking the customer's activity while interacting with a graphical user interface; updating content for the graphical content based on the tracking (col. 7 line 50 to col. 8 line 23). It would have been obvious to one of the ordinary skill in the art at the time of the invention for the ISPs or financial services organizations to track user interaction and update the content based on the tracking, as in Rangan, in order to automatically update user content, as taught in Rangan (see col. 7 line 50 to col. 8 line 23).

Regarding claim 70, Rangan teaches providing plurality of consumer identifiers to identify each customer and receiving a set of graphical user interface customized for each identified customer (see fig. 2 and col. 5 line 17-67, col. 9 lines 18-50). It would have been obvious to one of ordinary skill in the art at the time of the invention for the ISPs of BISYS to provide different interface customized for each user if the account or subscription is used by

more than one individual, as taught in Rangan, for the intended purpose of providing personalized page to each user.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over BISYS® Enables Financial Institutions to Bring Direct Internet Access Services to Their Customers; January 10, 2000; PRNewswire (hereinafter BISYS) in view of Rangan (US 6412,073) and further in view of Tobin (US 6,141,666).

Regarding claim 83, BISYS does not teach modifying customized content for identified user based on another identified user's preference and past activities. Tobin teaches receiving reminder about others birthdays and receiving marketing information (col. 8 lines 41-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide advertisement based on other family member's birthdays or preference for the intended use of providing a reminder and suggesting gifts to the user, as taught in Tobin.

Claims 71-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan (US 6412,073) in view of BISYS® Enables Financial Institutions to Bring Direct Internet Access Services to Their Customers; January 10, 2000; PRNewswire (hereinafter BISYS).

Regarding claims 71-73, Rangan teaches keeping a record of a user's activity on a graphical user interface; graphical user interface received from service provider; graphical user interface to include content that is customized for the user; in response to the selection of an indicator on a sign-in graphical user interface having different indicators for known user; customizing content for a graphical user interface, current user's recorded user input and the product or services of the a particular retail vendor (see fig. 2 and abstract, col. 5 line 17-67col. 7

line 50 to col. 8 line 23, col. 9 lines 18-50). Rangan does not teach providing the graphical user interface received from service provider on behalf of retail vendor and customizing content for a selection graphical user interface based on the product and services of the particular retail vendor. BISYS teaches service providers providing Internet access service on behalf of retail vendors. BISYS teaches FirstLinq (virtual Internet service provider) allowing financial service organization (banks and other financial service organization) to offer traditional Internet access services to their customers and to act as traditional internet access services to their customers and to act as customized web portal sites (selection graphical user interface). BISYS teaches the ability to automatically deliver consumers to a bank's web page or portal every time they go online (interface customized with the products & services of the particular vendor or bank) allows the bank to own the primary relationship with its customers. BISYS teaches operating as a portal, banks are positioned as an alternative to national ISP solutions offering online shopping and travel services, investment information and other traditional Internet-based products and services (customized with the banks content). BISYS teaches FristLinq allows bank customers to review and select any of bank's products or service offerings (selection graphical user interface customized with the vendor content). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Banks or e-commerce vendors of Rangan to use the virtual Internet Service provider of BISYS to provide Internet service for the same reason disclosed in BISYS. Rangan also teaches providing Internet services to the known users of the processor-based system (see fig. 2&3, col. 2 lines 14-36).

Regarding claim 74, Rangan teaches receiving preference of each known users (see col. 1 line 19-38, col. 2 lines 1-11, col. 6 line 1-33).

Regarding claim 75, Rangan does not teach providing the preferences and the record of user activities to said service provider. BISYS teaches the Internet service being provided on behalf of the banks or financial institutions by FirstLinq (packaged by BISYS information solution). Therefore, is it inherent that the information be provided to the service provider (in this case FirstLinq), since the service is provided by VISP.

Regarding claims 76-80, Rangan teaches selection graphical user interface having a predestined set of selection options that if selected will cause the system to access a particular retail vendor. BISYS teaches the selection graphical user interface having a predefined set of selectable options and when selected causing the system to access said particular vendor's web site. BISYS teaches the operating as portal, banks are positioned as an alternative to national ISP solutions by offering a unique focus on community activities and news, while still offering online shopping and travel services, investment information and other traditional Internet-based products and services. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for the consumer of Rangan to see the particular vendor of BISYS's, after selection, since the first thing the consumer sees is the Bank's web page, as disclosed in BISYS. E-mail options and help options are inherent feature of the Internet service. Both Rangan and BISYS services provide both options. Both Rangan and BISYS teach limited number of options (see Rangan col. 9 lines 15-67). BISYS teaches offering a unique focus on community activities and news, while still offering online shopping and travel services, investment information and other traditional Internet-based products and services.

Response to Arguments

Applicant's arguments filed October 1, 2007 have been fully considered but they are not persuasive.

Regarding claim 71, Applicant argues that Rangan does not customize based on the current user's recorded user inputs or the products or services of a particular retail vendor and BISYS does no customization whatsoever. Applicant indicates that while the extended discussion on page 8 of the office action is noted, Rangan never thought of anything corresponding to what is claimed and BISYS has no customization whatsoever.

First Applicant does not provide any argument to the extended discussion on page 8 of the office action. Second, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Rangan teaches in response to log-on by the user (first graphical interface), presents a secure and customized (personalized page), the page having a listed plurality of Internet destination enabled by hyperlinks. Upon user invocation of a hyperlink by the subscriber the portal invokes a URL for the destination (see abstract). Same as applicant's disclosure (see fig. 2 and 4). Rangan does not teach wherein the service provider, provides the Internet access service, on behave of the retail vendor, this is taught in BISYS. As indicated above BISYS teaches FirstLinq (virtual Internet service provider) allowing financial service organization (banks and other financial service organization) to offer traditional Internet access services to their customers and to act ***as customized web portal sites*** (selection graphical user interface, same as

applicant's fig. 3). BISYS teaches this powerful and unique combination enables financial institutions to establish one-stop e-commerce sites, offering Internet access, e-mail with personalized addresses, personal web page hosting and web site design and support services (same as fig. 4 of applicant). BISYS further teaches when used in conjunction with web banking solution FirstLinq allows bank customer to review and select any of the a bank' product or service offering (same as applicant's invention) BISYS teaches the ability to automatically deliver consumers to a bank's web page or portal every time they go online (interface customized with the products & services of the particular vendor or bank) allows the bank to own the primary relationship with its customers. BISYS teaches operating as a portal, banks are positioned as an alternative to national ISP solutions offering online shopping and travel services, investment information and other traditional Internet-based products and services (customized with the banks content). BISYS teaches FristLinq allows bank customers to review and select any of bank's products or service offerings (selection graphical user interface customized with the vendor content). Therefore, Rangan in combination with BISYS provides customized graphical user interfaces (at least three graphical user interface) provided by service provider on behave of a retail vendor.

Regarding claim 66, applicant argues neither reference singly, or in combination teaches a system where the customer must view three sequential graphical user interfaces from the retail vendor in order to access the Internet. As indicated above, BISYS teaches receiving a plurality of graphical user interfaces from said service provider (FirstLinq), each graphical user interface to include content related to the products or services of a particular retail vendor (financial service organizations), the content customized, at least in part, based on said information and not to

include advertising for another retail vendor (FirstLinq allowing bank consumers to review and select any of a banks' product or service offerings); and preventing the identified customer from using Internet services through said service provider without the customer first viewing, in sequence, at least three graphical user interfaces from said plurality (ability to automatically deliver consumers to a bank's web page or portal every time they go online). BISYS does not explicitly teach providing customer identification together with information about the identified customer's preferences to a service provider and receiving customized content, but this feature is taught in Rangan. Applicant also argues that the customization based on preference being inherent is clearly not the case. Examiner would like to point out that even through examiner indicated that providing customized interface during login, if the system is used by more than one person, is inherent feature, examiner also indicated that customizing user graphical interface is also taught in Rangan.

Applicant's argument regarding claim 81 has already been addressed above.

With respect to the Section 112 rejection of claim 66, Applicant argues that the claim construction applied is impermissible. Applicant asserts that suppose there are ten user interfaces, only three of which meet the claimed limitation, that would still fall within the claim because the claim does not say that every user interface must meet the claimed limitations, but only that a plurality of them do. Within that plurality they may each have certain characteristics. In other words, in the example given above, each of the three user interfaces would have that characteristic.

Examiner respectfully disagrees. The claim recites receiving a plurality of graphical user interface (more than one) and each graphical user interface to include content related to vendor. Again the claim recites the at least three of the graphical user interface from the plurality interface are viewed before user access Internet service. This indicates that three or more interfaces are provided and every one of those interfaces includes content related to the vendor.

The claim does not indicate that only the three interfaces includes content related to the vendor but the three interface would be viewed before, the user is allowed to access the Internet. The claim however recites that every received graphical user interfaces include content related to the vendor.

Regarding claim 71 applicant argues that it is not understood why it is believed there is any need for any antecedent basis for the claimed limitation. The claim recites in response to the selection of an indicator on a sign-in graphical user interface, identifying a current user of the processor-based system, said sign-in graphical user interface having different indicators for each known user of said particular processor-based system. Since the claim contains no earlier recitation or limitation of "selection of an indicator", it is unclear as to what method step the limitation is making reference.

In regard to the 112 rejection applicant states "With respect to the last two lines of the first paragraph of claim 31, it was meant that the interface would be without content from retail inventors who are both other and unrelated retail vendors. The phrase "said selection graphical user interface other than said activity graphical user interface and said sign in graphical user interfaces" is meant to refer to a selection graphical user interface that is different than the activity graphical user interface and the sign in graphical user interfaces".

Applicant's explanation of the claim indicates the claim is unclear. Therefore, amendment to the claim is required in order to clearly claim applicant's invention.

Regarding claim 81 applicant states "With respect to the objection to claim 81, it is believed that claim 81 applies to the server. The server is illustrated in Figure 1. For example, the web server 18 may receive a user identifier from the client system 12 over the Internet 14. It may receive graphical user interfaces over the Internet 14 for the service provider 16. It may modify the customized content on the graphical user interface based on selections made by the client system 12 and received by the web server 18 over the Internet 14".

If the machine is the server then it is still unclear how the user identifier is received from the service provider by the server and how the plurality of graphical user interface (which are suppose to be received by the client computer) is also received from the service provider. The claim is still not clear.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Yehdega Retta
Primary Examiner
Art Unit 3622

YR